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of the  
hawaii  
society/  
american  
institute  
of  
architects

AIA

# HAWAII ARCHITECT

April, 1980

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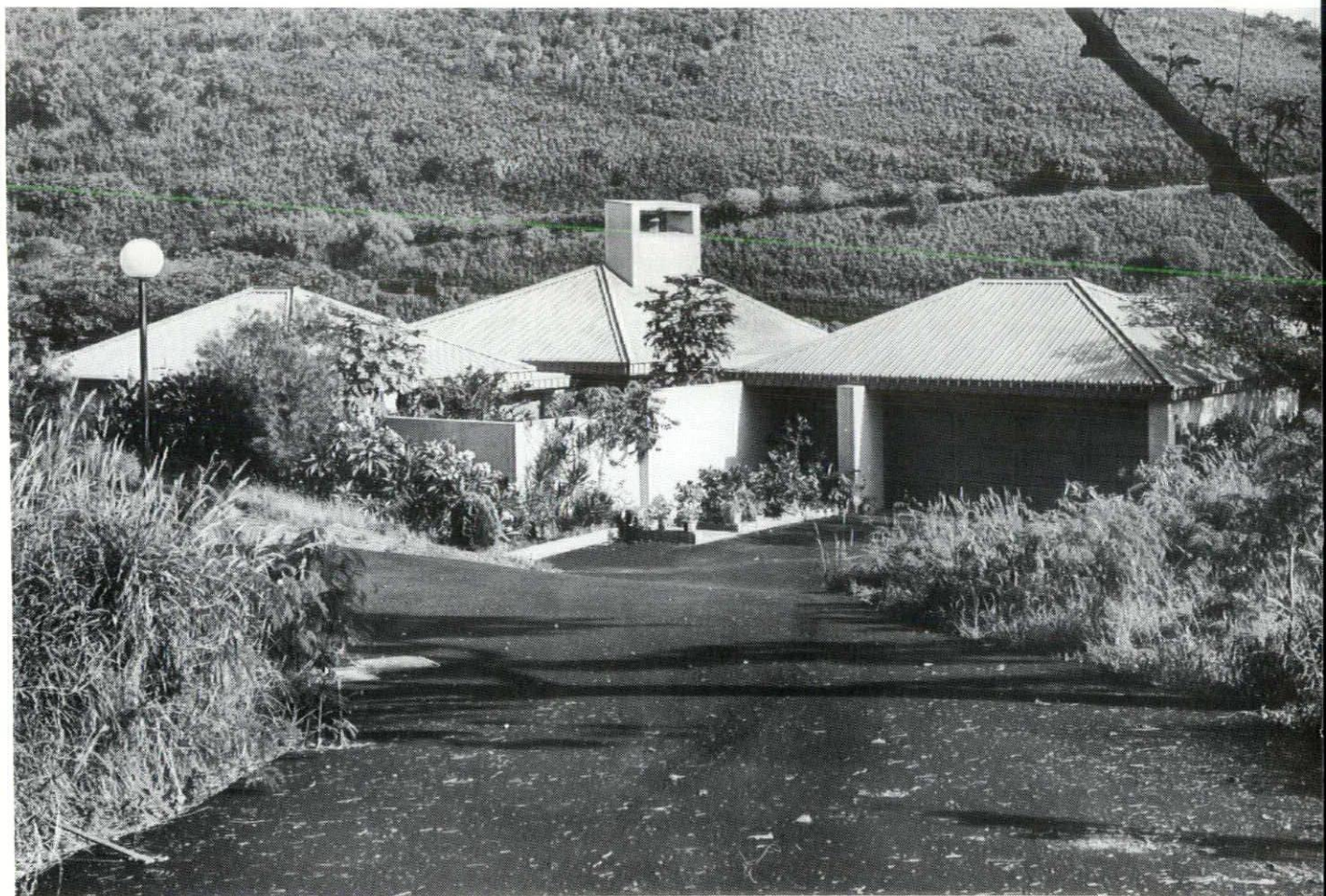




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# HAWAII ARCHITECT

Volume 9, Number 4

April, 1980

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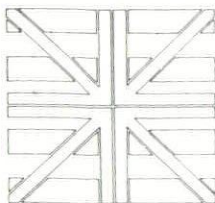
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Grain Elevator, Denmark  
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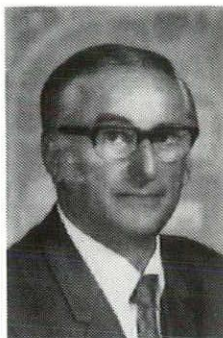


## HEADLINES

# Architect's Responsibility

by JACK C. LIPMAN, AIA  
President, Hawaii Society/AIA

In my present professional role as a consultant I have been surprised by the number of calls I receive from residential clients and from attorneys regarding the extent or responsibility of architectural services. The complaints generally stem from the architect's apparent inability to design a home within a given budget or the lack of communication between the architect and/or what is finally achieved by the client.



Jack Lipman, AIA

There are many times when it is difficult to determine whether the fault lies with the extent of the architect's construction administration or with the contractor during construction. Regardless of the problem, all such complaints severely hurt the profession.

A good example occurred recently when an attorney representing an AIA member's client called me on behalf of the client. Their almost unbelievable story could be summed up as follows:

- Original construction budget \$150,000.
- The architect concurred that the proposed scope could be accommodated by that budget.
- The architect's fee was verbally agreed to be on a set hourly rate.
- Only two meetings were held during the concept phase for all programming.
- Working drawings and specifications were completed without further communication between the architect and client, and bids were taken.
- Low bid was \$210,000.
- Client required the architect to revise the documents and rebid.
- Rebid result: \$192,000.
- Client again indicated project could not proceed unless budget was met.
- Architect further revised documents and rebid, with the lowest bid possible being \$175,000.
- Client terminated the architect and architect billed for full hours expended through original contract documents phase and all revisions.
- There was no written Owner-Architect Agreement

nor any form of written agreement, and the original verbal agreement covered the hourly rate only.

Result: The architect has liened property for total hours plus reimbursables.

As an expert witness for the client I will be asked to defend their position against the architect. As president of the Hawaii Society/AIA I am in a perfect position to defend the architect where such defense is justified. This is certainly the position I would prefer. However, as an unbiased professional witness I must censure the architect who proceeds in the foregoing manner.

This would not have happened if (1) a full written agreement had been executed prior to any concept development, and (2) if the architect had maintained continual communication with the client throughout the preparation of the construction documents; particularly with relation to possible costs; some of which may have resulted from client requests.

An architect should engage the services of a competent estimator during the development of the construction documents to maintain budget control if the architect is not fully capable of such cost analysis.

The number of telephone and/or letter complaints received at the HS/AIA office regarding poor services performed by some architects is disturbing. Even one is too many.

A business-like approach to dealing with clients not only can safeguard the architect but is vital in fostering a positive image of architects within the community.

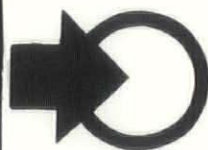


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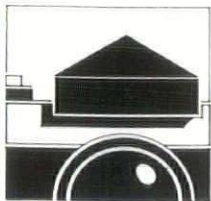
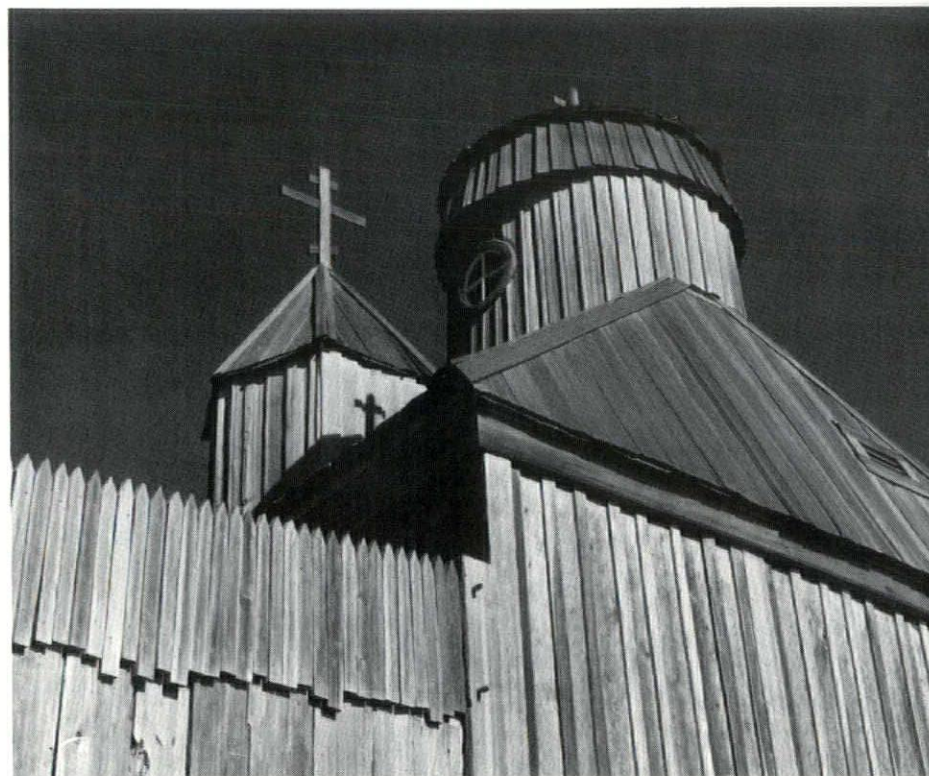
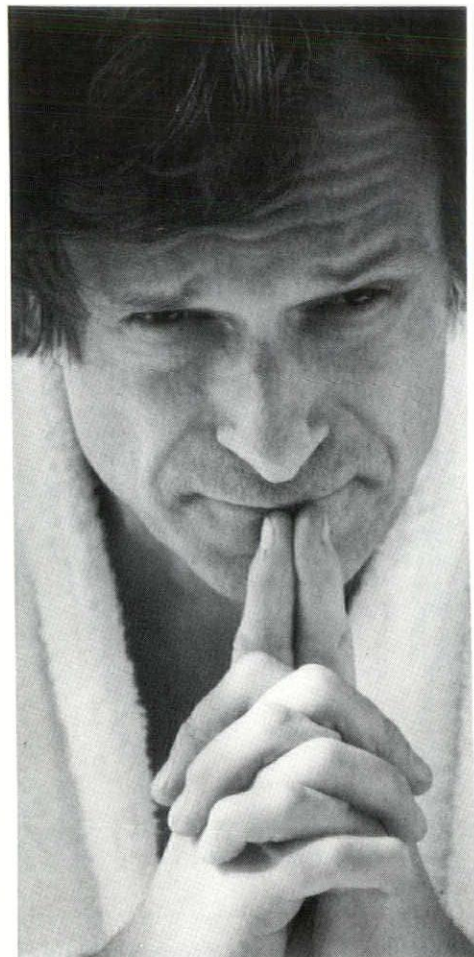
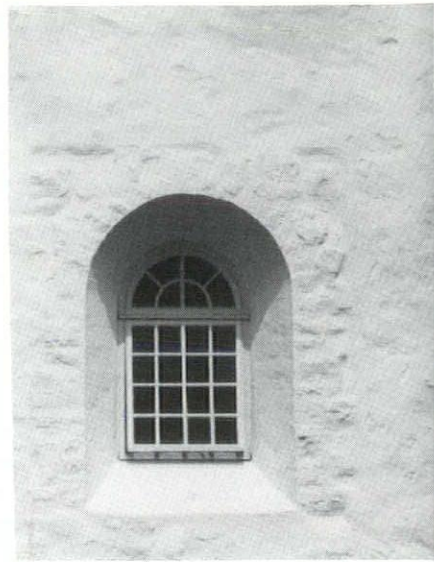
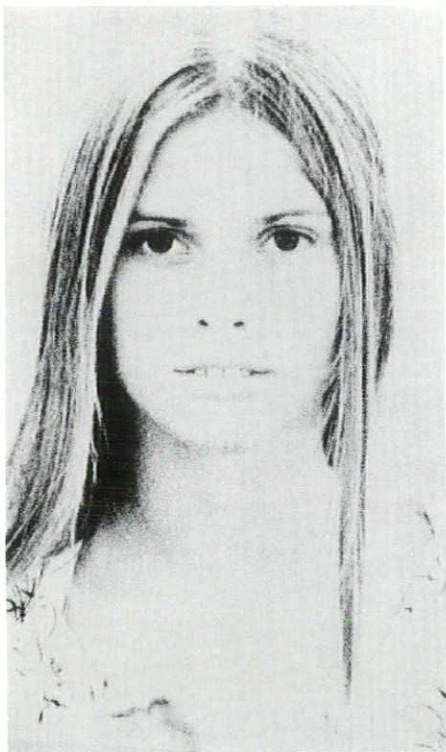
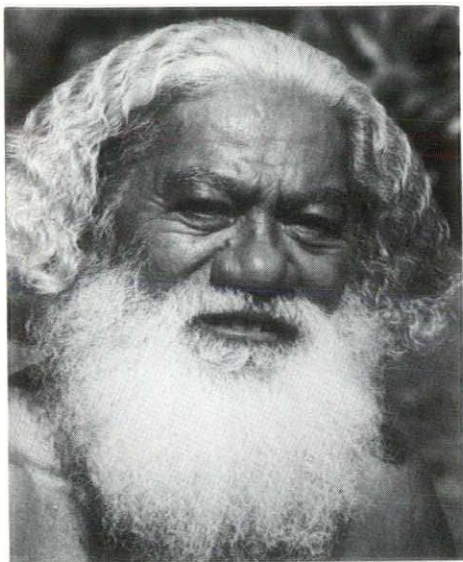


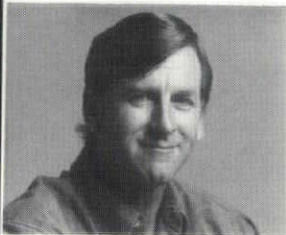
Photo Feature

# People and Places

by ROBERT JAMIESON





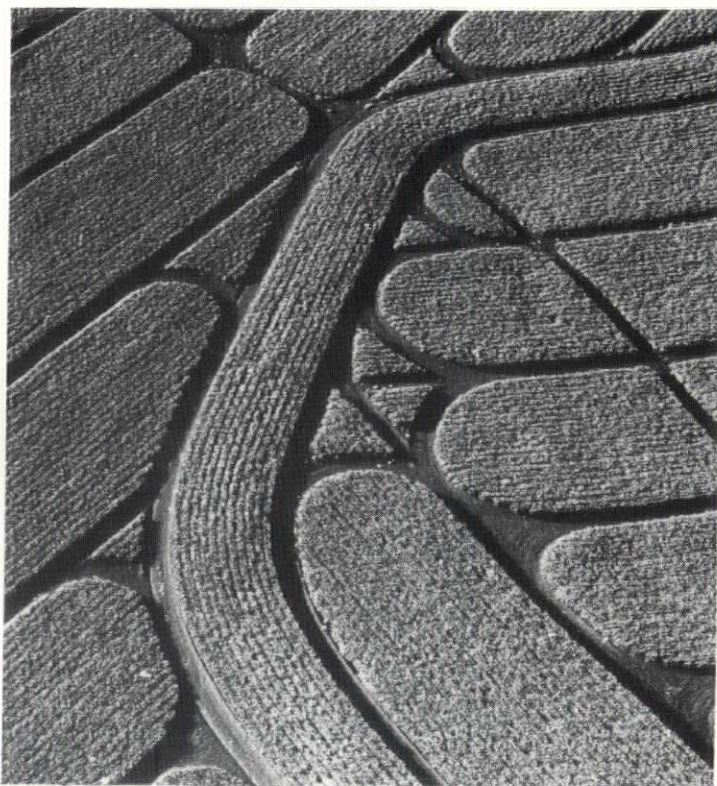


Robert Jamieson moved his studio two years ago to Wailuku, an arrangement compatible with his desire to see old Wailuku Town active again in commercial endeavors.

He arrived there by various ways. In the 1950s he worked as a photographer for the U.S. Navy. Consequent travels gave him the opportunity to record life in the Far East.

After earning a master's degree in art, he stayed five years in Europe doing design, advertising, and architectural photography for various European and American companies. During an assignment for the state of Hawaii in early 1970, his mind was made up to make the Islands his home.

His reputation as a photographer and designer has grown, and now, with the help of our colleagues, the future looks bright for the Wailuku studio.





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# Physical Environment: A Continuum

by ROBERT HARTMAN, AIA

Frank Haines had some pretty cogent statements to make in the January Hawaii Architect. I think it's a subject that merits further discussion.

While I accept that both our natural and built environments are in jeopardy, to a greater or lesser degree in comparison, I feel qualified by training and by inclination to dismiss one and speak to the other.

I will dismiss discussion on the natural environment basically for two reasons:

- The field suffers from a plethora of spokesmen, activists, antagonists and protagonists, dogooders and nay-sayers.

- Our natural environment may or may not be jeopardized because even today's threatened *natural* environment may in actuality be the result of man's nudging, prodding, and poking about in *less restrictive times in the past*.

Our *built* environment, however, is what Haines was really talking about, for it's the built environmental arena that Haines would have the architect and his professional organization lead a community/environmental educational task force.

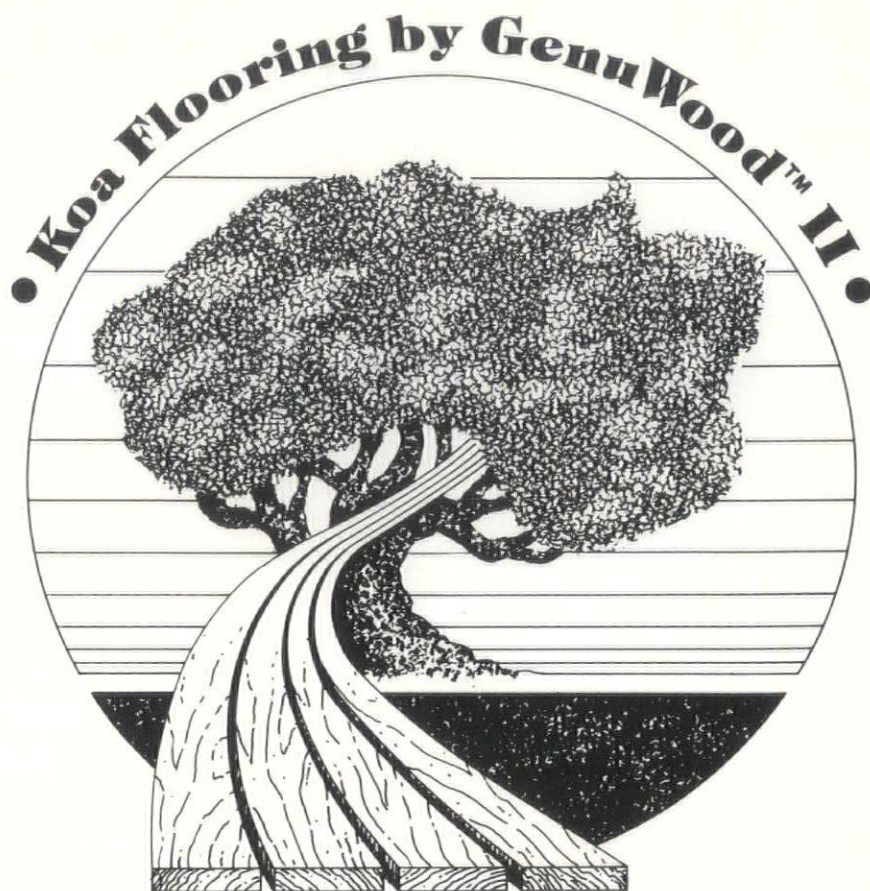
To go against such a laudatory program may be akin to opposing motherhood or suggesting a redesign of the American flag or even hinting at something better than apple pie. Nevertheless, the problem as outlined in the Haines' article may not lend itself to such seemingly simplistic approaches.

Dealing specifically with the goals he has set forth, I offer the following comments:

1—*K-12 Education Towards An Understanding Of Our Built Environment*

I question the success of such a program here in Hawaii, if we are forced to promote the concept of

Continued on Page 10



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## Physical Environment: A Continuum

Continued from Page 9

"do as I say, not as I do." For the most part, our public schools are a disgrace—as a place to learn and as a place in which to learn. Certainly at the lower grade levels, to speak of enhancement of our built environment while seated in the midst of officially authorized squalor is not conducive to meaningful communication.

### 2—Teacher Training

Again, I must cite the "do as I say, not as I do" credo. Regardless of how gifted a teacher may be, we are asking that person to project to students a world of good design which may exist "somewhere" but which is certainly not "here." I think our teachers in general would endorse the idea of teaching good design, but I think as well they should ask for a sympathetic podium from which to express such teachings.

### 3—Textbooks

Haines' ideas here are great and deserve the full support of the AIA! Instead of "textbooks," however, I suggest that the Hawaii Society/AIA undertake the preparation of monographs, written to reflect our local environment and in a manner and style appropriate to the targeted age levels. It is sad but true that these would have to be written "around" the problems of 1 and 2 foregoing comments.

### 4—Adult Education

Again, Haines is on target! I recommend, however, that this adult target, at least in the early years of such a program, be limited to our government bureaucracy responsible for the past, present, and future approval of design of our public buildings. This effort could conceivably entail years and years.

### 5—Media Coverage

I firmly believe that the media would welcome discourse on our

Continued on Page 14

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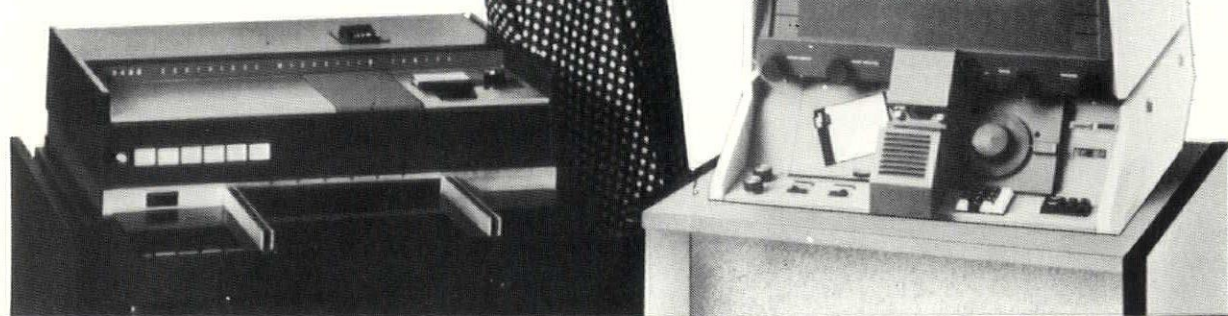
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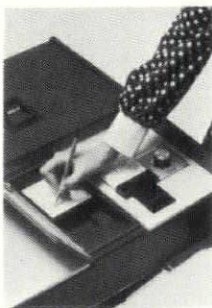


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Laurels

# 1980 HS/AIA Honor Awards

Hawaii Architect will be focusing on individual award winners in each of its next seven issues.



**Alfred Preis, FAIA, is applauded after being recognized for his service to the architectural community as executive director of the State Foundation for Culture and the Arts.**



**Joyce and Leon Noe accepting award for The House of Music; designer Bruce Hopper not present.**



**Wendell Brooks receives the award for the Welles Development.**

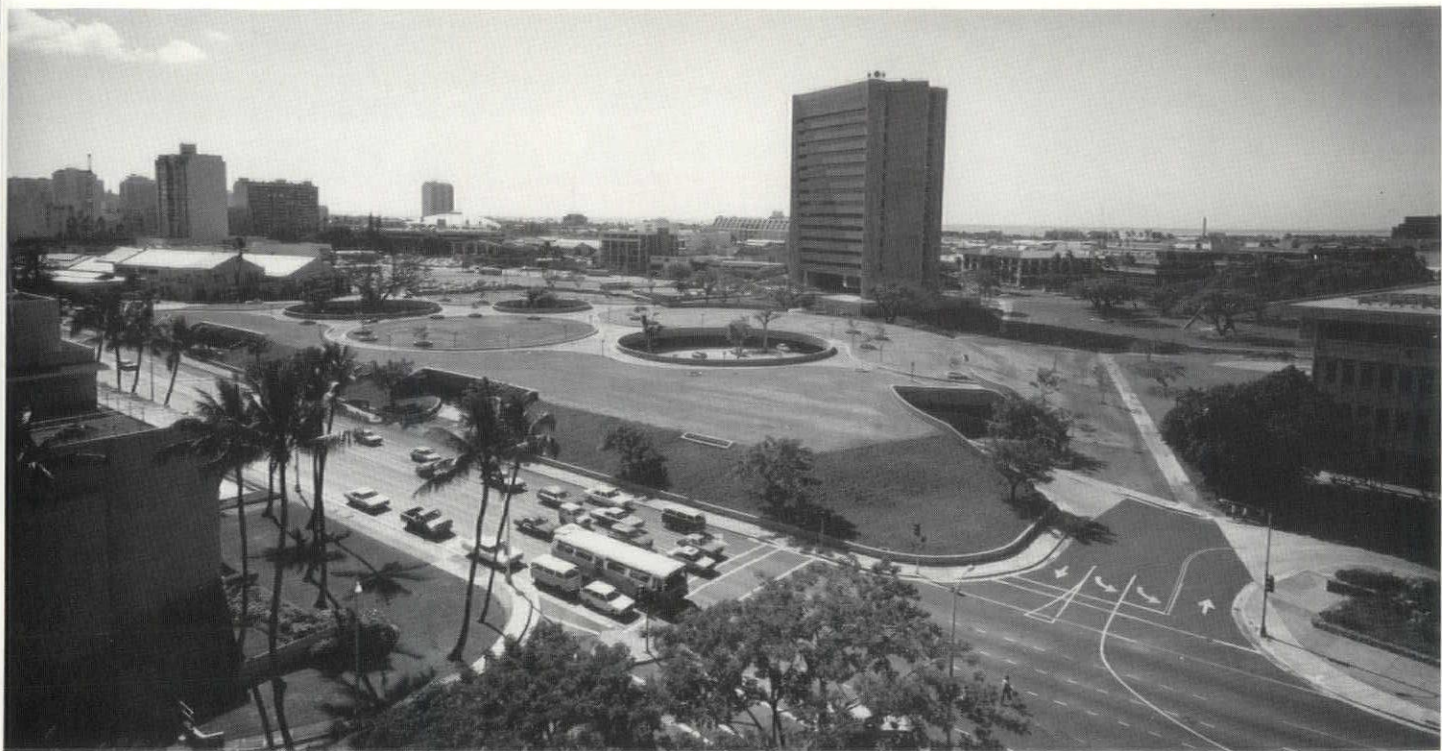


**Bruce Lagareta (left) receives an award for outstanding craftsmanship, presented by Alfred Preis and Bob Hartman.**

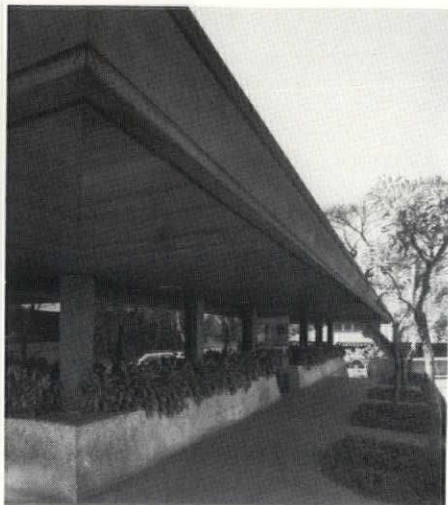


**Wailea Elua Condominium Village**

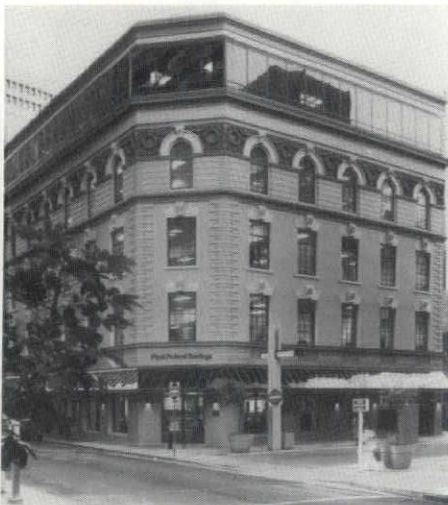




**Civic Center Parking, Honolulu, by Anbe, Aruga & Ishizu Architects, Inc.**



**First Hawaiian Bank, Haleiwa Branch, by Architects Hawaii, Ltd.**



**First Federal Savings & Loan, Corporate Offices, by Group 70.**



**American Security Bank, Branch Banking Facility, Bishop Street, by Franklin Gray & Associates.**

**Continued on Page 20**





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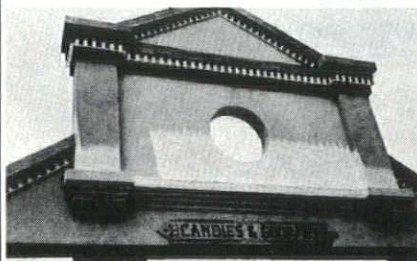


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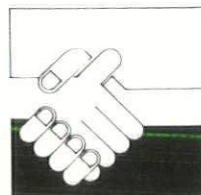
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## Physical Environment: A Continuum

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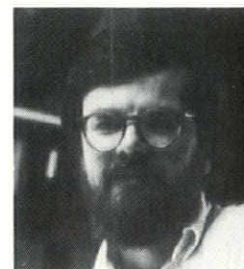
built environment if it were honest in its assessments. If we are to take a strong public stand around our professional assertion that the people deserve a better built environment than they have been getting, then we must take an equally professional stand which openly admits that we designers haven't always done a commendable job. I don't know that the profession, either as individual practitioners or under the umbrella of the AIA, is ready for that. **IA**



**New Members**



**PEGGY M. FIRESTONE;** Student Affiliate; University of Hawaii. Hobbies: raquetball, guitar.



**DICK K. HOERNER;** Associate Member; Media Five, Ltd.; B. Arch., University of Cincinnati. Transfer from Central Valley Chapter, AIA/California. Hobbies: psychology, walking, house restoration.

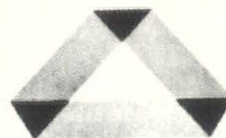
**HAWAII ARCHITECT**



Photograph by ALEX WILLIAMS

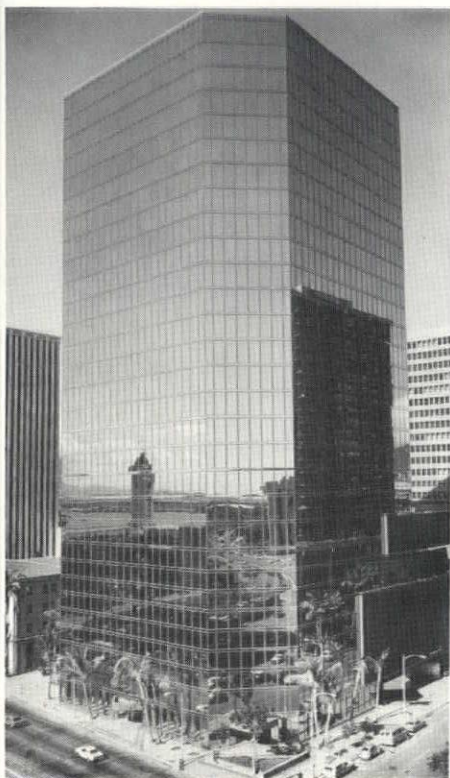
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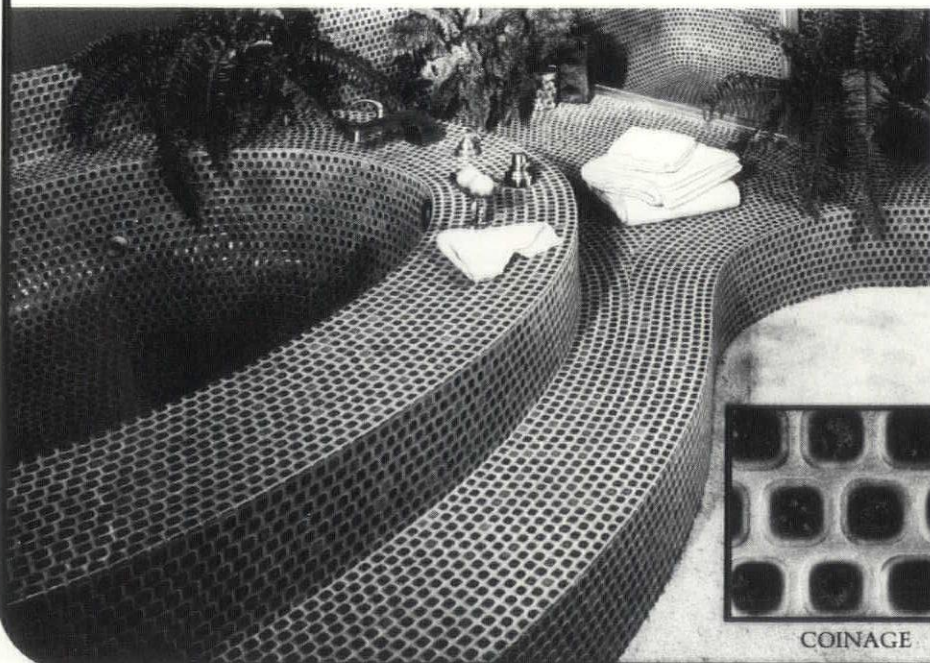
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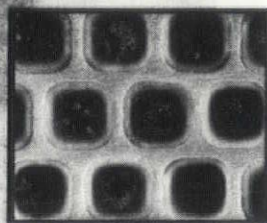


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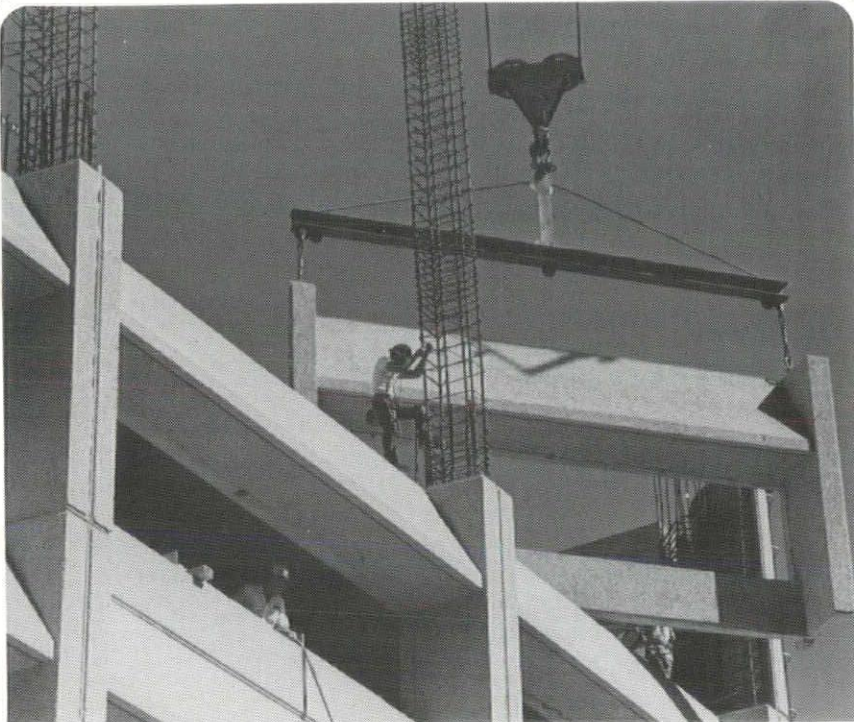
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## A/E Liabilities

### Owner-Purchased And Contractor- Installed Equipment

With this issue Hawaii Architect begins a series of articles which use studies of actual cases of real or potential litigation resulting from the design professional's execution of contract documents or the supervision phase. If any firm would like to share with other readers some of its past experiences, Hawaii Architect would be happy to receive such information. All case studies will be written in such a way as to keep the parties involved anonymous. Ed.

#### WHAT HAPPENED

Owner-furnished equipment was specified by an A/E firm on a large project. Before design began, the owner sought the advice of the A/E. Should the owner purchase the equipment early enough to avoid delays and let the contractor install it? Or should the specifications require the contractor to purchase the equipment and install it, as is customary? The time schedule indicated that the completion deadline would be met either way. The owner expressed a preference for pre-purchasing the equipment to save time and the cost of any contractor markup.

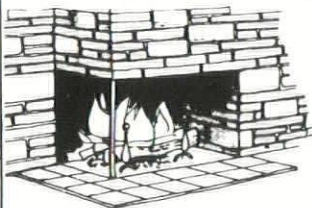
In an effort to conform to the owner's wishes, the A/E excluded from the specification the major components of equipment and relied upon the owner's staff to purchase those items.

The specifications required that the contractor take delivery of the equipment, install it, and place it in operation. The drawings detailed the foundations, supports, and connecting utilities for the owner-furnished equipment based upon data from the owner's staff.

Upon delivery of the equipment, considerable damage was observed to have occurred in transit. Further it was discovered that last

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Continued on Page 18

HAWAII ARCHITECT



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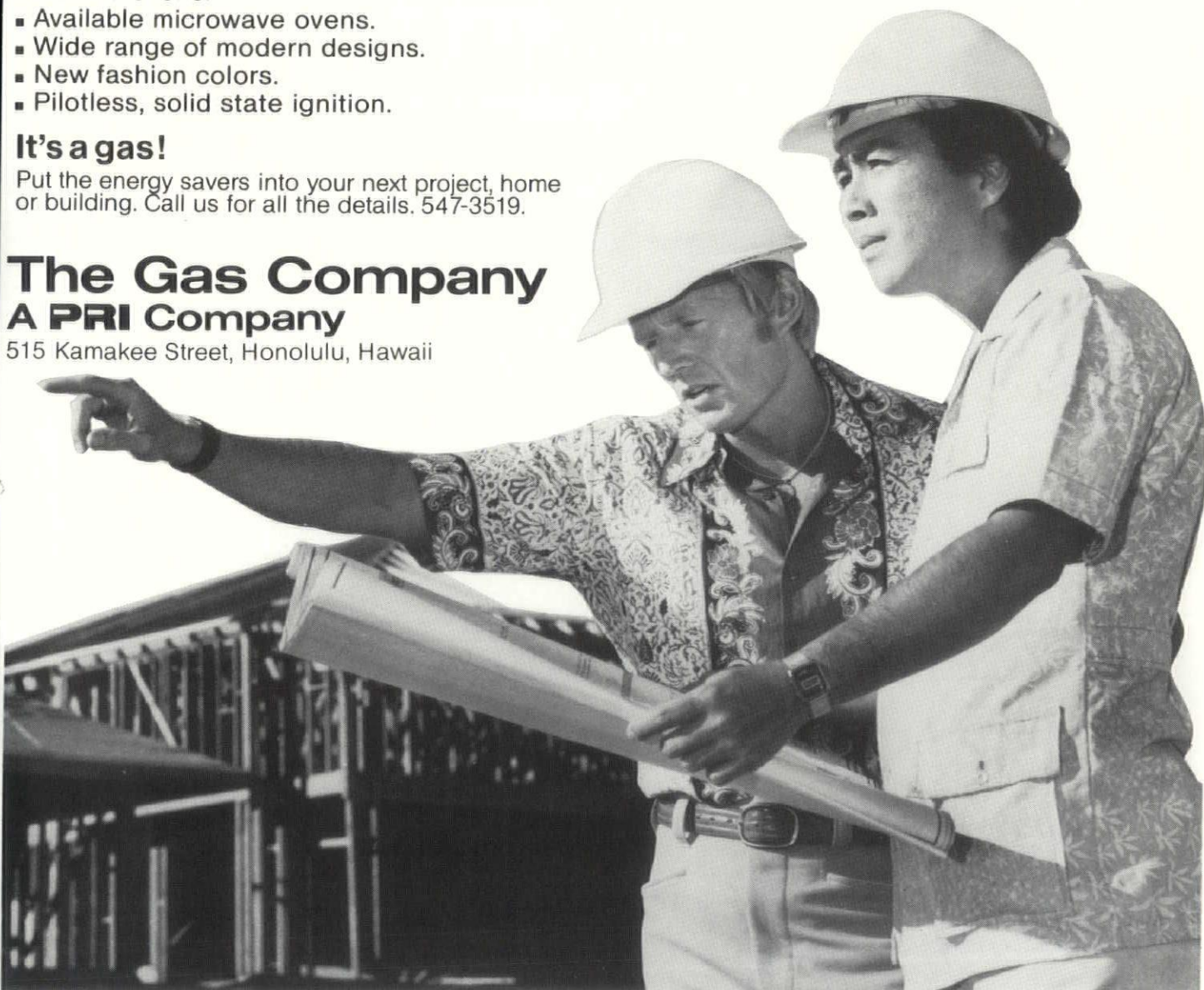
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## A/E Liabilities

Continued from Page 16

minute owner-specified changes to the equipment made it necessary to perform extensive changes to the support detailed on the A/E drawings and already under construction.

A dispute ensued between the owner and the contractor over the extra work required to revise the foundation supports for the equipment and the delay required because of transit damage.

Arbitration of the dispute resulted in an award of extra sums to the contractor, who successfully contended that he carefully followed the drawings and specifications, that necessary changes were not caused by the contractor, and that the owner's choice of the method of delivery relieved the contractor of responsibility of delay and extra costs due to damaged equipment.

The owner then brought suit against the A/E to recoup his losses, contending the A/E negligently failed to properly advise him concerning problems likely to occur by the division of responsibility between owner and contractor regarding purchase of equipment. Also the owner alleged the A/E negligently failed to coordinate his services with those of the owner's staff and either knew or should have discovered changes to the owner's purchase orders resulting in equipment being delivered that did not match the foundations prepared for it.

### RESULT

After extended litigation involving lengthy depositions and exchanges of written interrogatories, the matter was settled by the payment by the A/E to the owner of a part of the amount the owner claimed.

### LESSON LEARNED

Pre-purchase of equipment, an element of "Fast Tracking" to speed up construction, may be necessary; however, it carries with it the risk that the division of responsibility may cause problems rather than solve them. Do not

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overestimate the client's understanding of the design and construction process. Review with the owner and his staff the advantages and disadvantages of any deviations from the normal and traditional process of construction.

Carefully weigh the risks involved in any plan to have the owner pre-purchase equipment. Then communicate them to the owner *in writing*. In this case the A/E was asked by the owner for

advice whether to use the conventional contractor-purchase method or to pre-purchase. Without properly reviewing the pros and cons with the owners so that the owner could make an informed decision, the A/E promptly acquiesced to the owner's preference.

In effect, he ratified the owner's decision and became partially responsible for the resulting problem. **FA**

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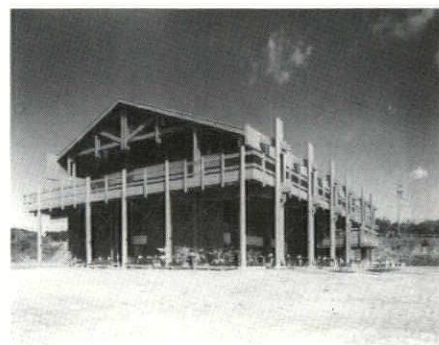


# 1980 HS/AIA Honor Awards

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**Above:** The offices of Shidler & Company, by Norman Lacayo, AIA. **Left:** The House of Music, Noe & Noe Architects/Bruce Hopper, Designer. **Below:** Molokai Recreational Community Center, by Akiyama/Kekoolani Associates, Architects, AIA, William Wise, Associate.





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## KUDOS

Charles R. (Ty) Sutton was recently elected to the College of Fellows of the American Institute of Architects. He joins the distinguished ranks of only eight other active FAIA members of the Hawaii Society who have been bestowed this lifetime honor. On June 2 Sutton will be traveling to the national AIA convention in Cincinnati for the formal investiture of the nation's new fellows.

The Institute may award a fellowship for notable contributions toward the advancement of the profession by recognizing outstanding accomplishments in one or more of eleven categories. Sutton's award was for his years of efforts in the areas of urban design and service to the profession.

Sutton's experience as an architect and planning consultant is extensive. Charles R. Sutton & Associates, Inc., which he started in 1968, has received three HS/AIA Honor Awards and other honors, including a Sunset Magazine/AIA Citation for innovative land use in his Wailani Condominium, and First Prize in the 1972 Kalakaua Commercial area competition by Bishop Estate.

From 1957 to 1962 Sutton worked for the firm of I.M. Pei & Associates in New York and worked on the design development for the East-West Center in Honolulu. In 1962 he joined the office of John Carl Warnecke & Associates. One of his first jobs with that firm was working on the design of the Hawaii State Capitol Building.

By 1964 Sutton was the director of Warnecke's Honolulu office. Work of the office during his stint as director included the Honolulu Civic Center Master Plan, University of Hawaii Long-Range Development Plan and design consultation and planning for the Kaanapali Resort Development.

The firm of Charles R. Sutton & Associates, Inc., includes partner Ted Candia, Vice President, and

Associates Gordon Ogata, AIA, and Glenn Mason, AIA.

Current work includes the Aloha Tower Plaza development plan and work in housing and historic preservation.

In partnership with Ferguson Management Co. Charles R. Sutton & Associates, Inc., is consultant to sixty Kakaako landowners for development of urban design criteria for the Kakaako Special Design District and other housing development where they developed the use of aluminum and steel frame in housing development.

Sutton has been extensively involved on various review and advisory committees for the city and state as well as serving the American Institute of Architects in many capacities, including Hawaii Society/AIA 1973 president.

## Transitions

Four associates and four senior associates have been named at Media Five, Ltd. The new associates are Wan K. Chew, RA, responsible for project management and contract administration; Clay W. Creel, architectural design; Douglas L. McClafflin, AIA, project management; and Dennis S. Osato, architectural design.

Named senior associates are Kent A. Brawner, AIA, director of architecture; Michael J. Ducar, ASID, director of interior design; Jeffrey Freitas, CPA, controller; and Robert F. McClendon, AIP, AIA, director of planning, and design and production coordinator.

The associates and senior associates continue with their present responsibilities, while assuming additional management responsibilities with the firm.



Meet Shannon McMonagle, Hawaii Architect's new co-editor (along with Glenn Mason). She is presently working as a free-lance writer, backed by two years of experience at Trade Publishing Co. as reporter/photographer for Building Industry Digest, which put her in touch with many AIA architects. McMonagle has also worked on publications such as Management Bulletin Hawaii, the Hawaiian Realtor, and Parade of Homes Guide. A history graduate from the University of Washington, she has lived in Hawaii for the past four years.

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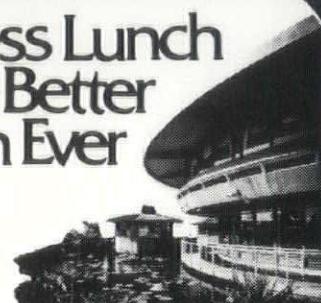
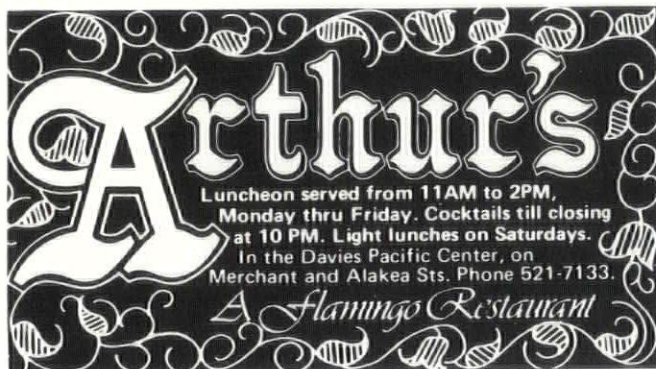


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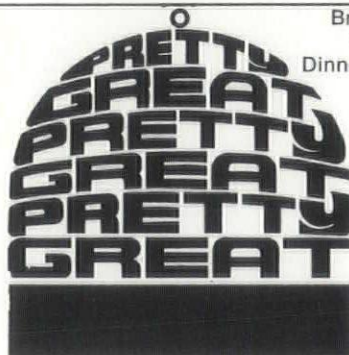
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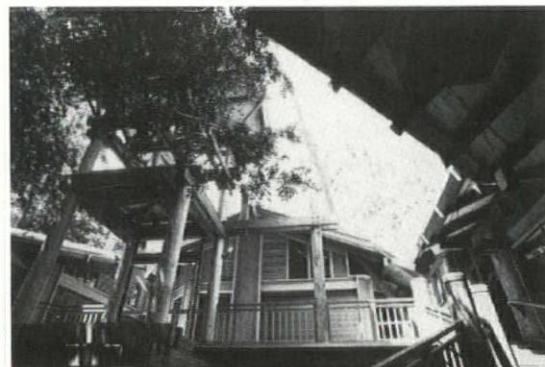
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